City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

Application Numbers:	9808607
Applicant Name:	Lisa Winterhalter, Architect, for Frank and Vicky Callfas
Address of Proposal:	3120 Harvard Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a six-story mixed use building with 2,747 square feet of retail at ground level, ten apartment units above and accessory parking for 12 vehicles. Project includes grading of 1,200 cubic yards of material.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC - Numerous Design Departures

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

* Early DNS Notice published July 18, 2002

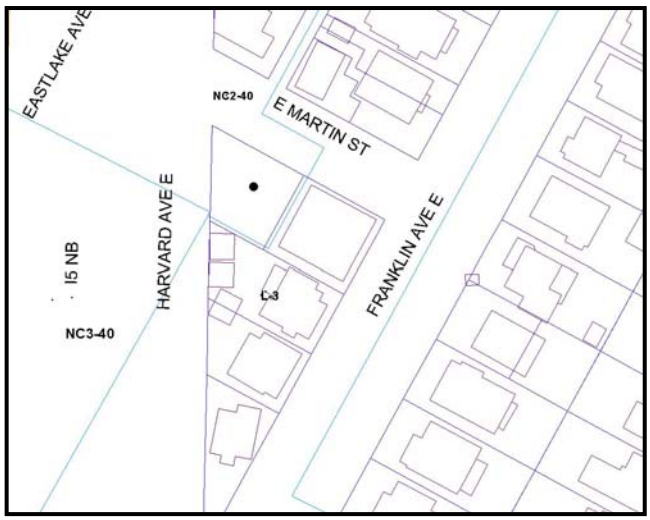
BACKGROUND DATA

Site Description

The applicant proposes to construct a mixed use (multifamily/commercial) development on a site located in the Roanoke neighborhood at the northwest corner of Harvard Avenue East and East Martin Street. Formerly, the site of a neighborhood grocery store that has been substantially demolished, the 3,974 square foot site is zoned Neighborhood Commercial Two with a forty foot height limit (NC2-40). Irregularly shaped, the site contains a steep slope near the west property line that descends approximately 12 feet to Harvard Avenue East.

Vicinity

The property to the north is zoned NC2-40, and is developed with a two-story, flat roofed masonry building with street level commercial space. The rest of the surrounding properties are zoned L-3, and are developed with a mixture of older medium-scaled apartment buildings, single family houses, and duplex/triplexes converted from detached houses. Interstate 5 dominates the neighborhood with the I-5 Ship Canal bridge immediately west of, and above the site.



Proposal Description

The applicant has proposed a six-story building, with commercial/retail space on the ground floor, parking on the second level (access from E. Martin Street), and ten residential units on the four uppermost floors. The 2,747 square feet of commercial use will front Harvard Ave. E. A residential entrance off Harvard Ave. E. will occupy a small portion of the ground level. This entrance will allow residential access to the garage and to the upper level dwelling units. A second residential entrance will be located above East Martin St. and accessed by a set of stairs. Open space will be provided in two areas. A plaza with trellises and plantings will wrap around the third level (above the parking garage) on the east and south sides. A portion of the plaza will act as an entrance court. Another open space will occupy the western portion of the sixth level in front of the penthouse unit. This will also be landscaped with trellises, benches and plantings.

To meet these development objectives, the applicant has requested several departures including: lot coverage on the second floor similar to the 100% coverage allowed for the ground floor in an NC2 zone; elimination of a driveway sight triangle; allowance for a bay window to encroach into the required side setback from the south property line; and allowance for a reduction in the five foot depth of a required landscape strip. The applicant also proposes rebuilding the public stair in the E. Martin Street right-of-way in order to create a better connection between Eastlake Avenue and the residential neighborhood on the slope of the hill.

Public Comments

Five neighbors attended the Early Design Guidance meeting. Comments focused on height, bulk and scale impacts of the proposed six-story building on surrounding development - particularly on the four story apartment building directly south and on the adjoining single family house to the south. The impact from project-related parking on the existing on-street parking conditions in the vicinity was also raised as an important issue. The Eastlake Community Council submitted a Design Guidelines Checklist that identified City-wide Design Guidelines to be of highest priority, including A-5, B-1, E-3.

A neighbor residing adjacent to the subject site on E. Franklin Street submitted a critical letter commenting on the destruction of five older trees and the fragile soils stability of the hillside.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas at an Early Design Guidance Meeting on February 17, 1999. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

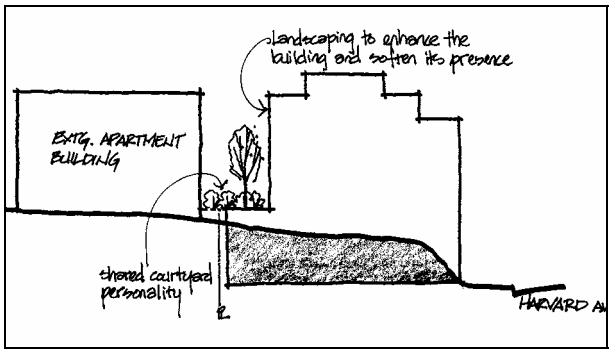
The Board was encouraged by the architect's street level concept plan that calls for a corner entry plaza into commercial unit 'A' at the site's northwest corner, and separate entrances for the residential units and commercial unit 'B' on Harvard Avenue East. Further design should continue in this direction.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

Please see response to A-3, above. The proposed street-level commercial spaces should be visible and accessible from the sidewalk.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

Adherence to this guideline focuses on successful design of the south facade and creation of a good transition of bulk and scale to the smaller scale apartment building directly east. The east facade facing that existing building should be treated as sensitively designed, with a high-quality arrangement of finish materials, windows and architectural features and details. Landscaping at grade will aid in softening the building's presence, and in creating attractive, usable open space between the two structures. The Board encouraged this open space to be designed in a manner that takes on a "shared courtyard personality" (see sketch below).



B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

Please see design guidance given in A-5, above. The Board identified creating a good transition in of height, bulk and scale impacts on the surrounding area as a design guideline of highest priority. The site was recognized as having a prominent corner location with substantial exposure to the street and surrounding properties. This, coupled with the fact that surrounding development is much smaller in scale than the subject site's NC2-40 zoning designation would allow, requires careful consideration in designing the building's mass and forms. The Board offered the following guidance to relate the proposed building's scale to the existing neighborhood context particularly the treatment of the south and east facades.

The concept design included parking at the second floor with close to 100% lot coverage. This, combined with 100% lot coverage at the ground floor for commercial spaces, creates the potential for a twenty-foot blank concrete wall on the south facade (as shown in the bulk study drawing presented at the meeting) at the property line. The Board was in favor of entertaining the departure for lot coverage at the second floor, since access from E. Martin Street as opposed to Harvard Ave. makes sense. However, treatment of the south wall must be architecturally exceptional in order to grant the request. The Board cited an opportunity for an artist's treatment on this wall.

The building's southwest corner will be visually prominent, and the Board wants to see an architectural design at this corner that achieves good massing and a human scale from the street.

Concern was also expressed regarding the proposed horizontal division of the building into three parts, with the base, body and roof top defined by pitched and hipped roofs. As presented, it appeared out of context in an urban neighborhood.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

Please see guidance in B-1 above. Board members agreed that the building would better relate contextually to the neighborhood as a flat roof structure with a strong parapet.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

Please see guidance in to A-3, A-4, A-5, B-1 and C-1, above. Materials and architectural features should complement a sensitive massing approach to relate the building to adjacent properties and the street-level environment.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Please see guidance in C-1 and C-3 above. Masonry materials and storefront windows with large expanses of glass and overhead weather protection were encouraged at the street level. The Board and members of the public cited the adjoining Larson Building as a good mixed-use building from which to take architectural cues. Traditional neighborhood commercial design combined with the proposed hillclimb/corner entry plaza should create a sense of community identity at this location.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Please see guidance in A-5 and C-4, above. The Board responded favorably to the corner plaza concept, and is confident that the applicant will develop safe, accessible and interesting open spaces and entry areas. Adherence to this guideline focuses on successful design treatment of the rear open space. The siting and design of this space should soften an otherwise abrupt transition from the scale of the proposed building to the existing apartments.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Please see guidance in A-5, B-1 and D-1, above. Landscaping should support the site's key open spaces, including the corner plaza and rear courtyard. Landscaping should also be used on the building, to soften its presence on less intensive development.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes,

view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

In supporting public comment, the Board recognized that a key visual transition should exist from E. Martin Street to the hillclimb and the corner plaza. Landscape design should aesthetically enhance this connection and provide screening from vehicle activity above on E. Martin Street.

MASTER USE PERMIT APPLICATION

The applicant developed the design and applied for a Master Use Permit with a design review component on June 24, 1999.

Public Comments

Approximately seven members of the community attended the Preliminary Recommendation Meeting on September 18, 2002. Individuals from the neighborhood, who spoke in support of the proposal, commented on the derelict site conditions. Mitigation of potential light and glare emanating from the proposed second floor parking garage comprised much of the discussion. Neighborhood representatives identified the vicinity as the Harvard Roanoke neighborhood rather than the adjacent Eastlake district.

The applicants and their architects were the only attendees at the Final Recommendation Meeting on May 7, 2003. No comments were offered.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Preliminary Recommendation Meeting on September 18, 2002 and a Final Recommendation Meeting May 7, 2003, to review the applicant's design response to the previously identified priorities. At the two public meetings, site plans, elevations, floor plans, landscaping plans and exterior hardware were presented for the members' consideration.

The applicant requested departures from the following standards of the Land Use Code:

1) Lot coverage: Maximum coverage which is 64 percent above 13 feet applies to residential and uses accessory to residential.

2) Side setback: A ten foot setback is required adjacent to residential zones.

3) Landscaping: A five foot deep landscape strip is required for screening.

4) Sight triangle. Two way driveways less than 22 feet wide require a sight triangle.

Recommendations

Guidelines from the Early Design Guidance and Preliminary Recommendation Meetings are in italics. Final recommendation guidelines are in plain type. There were seven Board members in attendance at the Final Recommendation Meeting.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.
The entrance off East Martin Street is obscured from the street. It needs to be architectonically identified as a gateway on the street and the passage up the stairs to the door must evoke a sense of procession. The designers should consider the circulation spine beginning at Harvard Avenue East. Providing lighting for the pathway is important.

The Board recommended a distinct entry for the residential lobby off of Harvard Avenue East. Both residential lobbies at the ground floor and the first residential floor lack graciousness. In plan, they look cramped.

The architect responded to the earlier Board critique of the entrances by separating the residential and commercial entries from one another and by proposing an arc shaped overhead canopy for the residential entrance contrasting it with the lower and more linear commercial canopies. The proposed use of tile over the door further emphasizes the residential entry as distinct and introduces an element of verticality. The Board accepted the revisions to the Harvard Ave. E. façade.

In response to an earlier recommendation, the architect added a gate at the foot of the steps leading from E. Martin St. to the upper residential entrance.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.
Please see guidance in A-3 above. The proposed street-level commercial spaces should be visible and accessible from the sidewalk. (EDG)

The architect provided photo images of proposed sconces and bollards for the Harvard Ave. E. façade. The Board was satisfied with these selections.

The applicant has proposed attractive improvements to the stairs in the right-of-way leading from Harvard Ave. E. to E. Martin St. Ultimately, Seattle Department of Transportation (SDOT) and DCLU must approve modifications to the street right-of-way.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.
Adherence to this guideline focuses on treatment of the south facade and mitigation of potential adverse bulk and scale impacts on the smaller scale apartment building directly east. The east facade facing the existing building should be treated as significant, with a high-quality arrangement of finish materials, windows and architectural features and details. Landscaping

will aid in softening the building's presence, and in creating attractive, usable open space between the two structures. The Board encouraged this open space to be designed in a manner that takes on a "shared courtyard personality" (see sketch below). (EDG)

No additional Board guidance was offered.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.
The design of the roof garden requires further development. How will the design create privacy for the penthouse tenants during other tenants' use the roof top? Consider creating outdoor rooms from the space provided. The Board requests a detailed landscape plan for the next meeting. The plan should reveal the type of materials, species of vegetation and details of the pergolas, railings and other elements of the plan.

To achieve a greater sense of privacy, the revised roof garden design separates the open space of the penthouse from those of the other tenants with trellises, planters and benches. The Board recommended approval of the changes.

A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.
The Board agrees that tying the exterior staircase in the right-of-way into the sidewalk makes sense. The stairs and the area carved from the slope off of Harvard Ave. E. should feel integrated and appear seamless. The designers should achieve a very dramatic outdoor space.

With the design as presented, the architect appears to have achieved the impact the Board requested at the previous meeting.

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.
The Board members agreed that the courtyard at the rear should remain. The architects will ghost in the adjacent buildings on the presentation drawings of the elevations.

The Board recommends approval of the design response and did not make additional comments on height, bulk and scale issues.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.
Several elements of the elevations require refinement. 1) The bay windows should be different in character than the wall. Varying the materials, changing the color, reconfiguring the proportions of the fenestration, and rethinking the shape and projection of the bay will help lend character to the building. In addition, the juxtaposition of the roof line and the bay windows

require further refinement. 2) The parapets appear weak in proportion and scale to the rest of the building. 3) The design of the two story base should be reconsidered as it lacks continuity. The base's verticality should be more prominent and allowed to run through rather than halted by the canopy. The canopy and the cornice appear in conflict. Consider using the canopy only over entrances integrated with the commercial signage.

The design changes proposed by the architect were accepted by all seven Board members. This included adding horizontal metal siding to the bays, selecting a color for the bays that distinguished them from the wall, emphasizing the verticality of the two-story base, and changing the proportions of the windows.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.
The base needs elements that emphasize the human scale. Add materials, fixtures, hardware, signage, lighting and landscaping that celebrate the entries and the pedestrian. Provide details at the next design review presentation and show the proposed location of the signage.

Examples of wall sconces and hardware were presented to the Board, which recommended approval of the designs.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.
The Board recommends that the development introduce more color and texture. The character of the building's base will benefit from this.

Members the Board accepted the proposed changes to the design's color and texture. Metal siding was added to the bay windows and the penthouse level. The color scheme is primarily composed of earth tones.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.
Please see response to A-5 and C-4, above. The Board responded favorably to the corner plaza concept, and is confident that the applicant will develop safe, accessible and interesting open spaces and entry areas. Adherence to this guideline focuses on treatment of the rear open space. The siting and design of this space should soften an otherwise abrupt transition from the scale of the proposed building to the existing apartments. (EDG)

The Board recommended approval of the design.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

Planting along the blank walls should grow upward to cover them. Use trellises, if needed, to assist the vegetation.

The Board made no further comments.

D-5 Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.
The Board requested that the architect resolve the potential problem of light and glare emanating from the parking level.

The architect proposed either using opaque spandrel glass or shielding the garage lights and utilizing a tinted window to obscure glare from automobiles and garage lighting. The Board accepted either of the architect's solution.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.
How will the planting on the along the south façade be maintained?

Although the architect and the Board did not address this earlier question as well as the maintenance of the hill climb in the street right-of-way, these will need to be resolved by the designers before issuance of the MUP.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.
In supporting public comment, the Board recognized that a key visual transition should exist from E. Martin Street to the hillclimb and the corner plaza. Landscape design would aesthetically enhance this connection and provide screening from vehicle activity above on E. Martin Street. (EDG)

No additional Board guidance was offered.

Board Recommendations: The recommendations summarized below are based on the plans submitted at the May 7, 2003 meeting. Design, siting and architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the May 7 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the seven Design Review Board members unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code listed below.

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
1. Sight triangles 23.54.030E	10' sight triangle between sidewalk and driveway.	Window at required heights.	• Residential parking only.	APPROVED
2. Residential Lot Coverage. 23.47.008.D	64 % Lot coverage above 13'.	100% lot coverage on second level.	• Allows parking on second level. • Built into hillside and well integrated into building.	APPROVED
3. Setback 23.47.014B2	10' setback adjacent to residential zones above 13'.	Bay windows to project 2' into required setback.	• Not provided.	APPROVED
4. Landscape screening 23.47.016D2a	5' deep landscape strip for screening.	2' deep strip.	• Distance from existing sidewalk to lot line is 2'	APPROVED

The Board did not recommend any CONDITIONS.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director is bound by a four vote consensus approval of the design and requested design departures, except in certain cases, in accordance with Section 23.41.014.F.3. These exceptions are limited to inconsistent application of the guidelines, exceedance of the Board's authority, conflicts with SEPA requirements, or conflicts with state or federal laws.
The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design.
In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the conditions recommended by four Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated July 11, 2002) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the

applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of the earth, air quality, traffic and parking, and construction-related noise impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential uses and commercial. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M and on Sundays from 10:00 A.M. to 5:00 P.M.:

A. Surveying and layout.

Stacking the building with the tower crane.

B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).

C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where

grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DCLU Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DCLU building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

The City's geotechnical staff has determined that the site is an environmentally critical area (ECA) as a potential slide area due to geologic conditions. Actual subsurface and topographic conditions confirm this status although City ECA maps do not indicate it as a potential slide area. Five non-appealable ECA conditions are described below in order to secure the site.

Grading

An excavation to construct the lower level of the structure areas will be necessary. The maximum depth of the excavation is approximately 17 feet and will consist of approximately 1200 cubic yards of material. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Approximately 1200 cubic yards of soil will need to be disposed off-site. Excavation activity will require 120 round trips with 10-yard hauling trucks or 60 round trips with 20-yard hauling trucks, which are the standard for this size of undertaking. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62. Construction trucks will be required to follow a specific route based on a construction truck trip plan to be submitted to DCLU.

Construction of the project is proposed to last approximately 17 months. Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the scale of the

project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park on-site as soon as it is available for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, traffic and parking impacts warrant further analysis.

Traffic and Transportation

According to The Institute of Transportation Engineers (ITE) Trip Generation Manual, apartments generate .67 vehicle trips in the P.M. peak period per unit. The 10 units would generate approximately 6.7 vehicle trips per P.M. peak period.

The commercial component of the mixed-use structure would generate 4.93 vehicle trips in the p.m. peak hour per 1,000 square feet of gross leaseable area. This amounts to approximately 13.5 trips. By combining the commercial and the residential trips, a total of 20.2 trips would occur in the afternoon peak hour. In sum, 20.2 new residential and commercial peak period trips would be added to the neighboring streets. The new trips added to the p.m. peak traffic will not seriously affect operations of the intersection of East Martin St. and Franklin Ave. East., thus no SEPA mitigation of traffic impacts to this intersection are warranted.

Access to the site will occur from a driveway off of East Martin St.

Parking

Chapter 23.54 of the Land Use Code addresses parking requirements. In addition, subsection 25.05.675.M of the City's Environmental Policies and Procedures addresses parking impacts, as follows:

Parking policies designed to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover.... It is the City's policy to minimize or prevent adverse parking impacts associated with development projects. Subject to the overview and cumulative effects policies set forth in SMC Sections 25.05.665 and 25.05.670, the decision-maker may condition a project to mitigate the effects of development in an area on parking; provided, that...parking impact mitigation for multifamily development...may be required only where on-street parking is at capacity as defined by Seattle Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

The project as a whole provides 12 parking spaces for 10 residential units, which meets zoning requirements. However, anticipated demand for parking in a multi-family project is 1.5 spaces per unit, which would result in a need for parking for 15 vehicles. However, there is sufficient parking on the streets for the anticipated spillover parking of three vehicles, thus no further SEPA mitigation of parking impacts is warranted.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS-DESIGN REVIEW

Non-Appealable Conditions

1. Any proposed changes to the exterior of the building, the site or to the improvements in the public right-of-way must be submitted to DCLU for review and approval by the Land Use Planner (Bruce P. Rips, 615-1392).

2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DCLU planner assigned to this project (Bruce P. Rips, 615-1392), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

3. Embed all of these conditions for the MUP permit and for all subsequent permits in the cover sheet, the SEPA conditions contained in this decision into all drawings including updated MUP plans, and all building permit drawings.

CONDITIONS-SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

The owner(s) and/or responsible party (-ies) shall:

1. Attach a copy of the PSCAA demolition permit to the building permit set of plans.

2. Submit a construction truck trip plan.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

3. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M and on Sundays from 10:00 A.M. to 5:00 P.M.:

A. Surveying and layout.

Stacking the building with the tower crane.

B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).

C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

4. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

   Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DCLU prior to each occurrence.

   After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

   Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and would not be subject to the additional noise mitigating conditions.

5. Parking for construction workers shall be provided on-site as soon as the garage is completed.

6. Trucks must follow the routes approved in the construction trip plan

Signature: (signature on file) Date: May 29, 2003
Bruce P. Rips, AICP, Project Planner
Department of Design, Construction and Land Use
Land Use Services

BPR:bg